

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BRENDAN O'CARROLL,

Plaintiff,

v.

COMMISSIONER GARY M. LANIGAN, et  
al.,

Defendants.

Civ. No. 17-808 (RBK) (KMW)

**MEMORANDUM AND ORDER**

Plaintiff is proceeding through counsel with a civil rights Complaint filed pursuant to 42 U.S.C. § 1983. On October 1, 2018, all Defendants filed a motion to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 25).

On October 22, 2018, it appears that Plaintiff filed a counseled Amended Complaint as of right, replacing his initial *pro se* Complaint, in response to Defendants' motion to dismiss. Fed. R. Civ. P. 15(a)(1)(B). The filing of this Amended Complaint effectively moots Defendants' motion to dismiss the original Complaint. *See Wilson v. Somerset Cty. Prosecutors Office*, No. 15-6034, 2016 WL 1090811, at \*4 (D.N.J. Mar. 21, 2016) (explaining that courts should require a defendant to file a new motion if applying the pending motion to the amended complaint would create confusion or when the pleading is substantially different).

Accordingly, IT IS this 6th day of April, 2019,

**ORDERED** that Defendants' motion to dismiss (ECF No. 25) the original Complaint is DENIED AS MOOT in light of Plaintiff's subsequent filing of an Amended Complaint.

s/Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge